

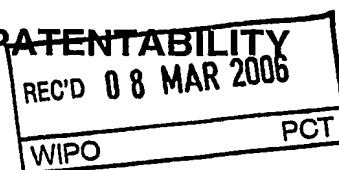
# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



|   |   |  |                      |
|---|---|--|----------------------|
| Applicant's or agent's file reference<br><b>30316</b>   | <b>FOR FURTHER ACTION</b>                                       |  | See Form PCT/PEA/416 |
| International application No.<br><b>PCT/CA2004/000898</b>   | International filing date (day/month/year)<br><b>18.06.2004</b> | Priority date (day/month/year)<br><b>18.06.2003</b>                            |                      |
| International Patent Classification (IPC) or national classification and IPC<br><b>G06F3/00</b>   |   |  |                      |
| Applicant<br><b>ZI CORPORATION et al.</b>   |   |  |                      |
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.<br>2. This REPORT consists of a total of 5 sheets, including this cover sheet.<br>3. This report is also accompanied by ANNEXES, comprising:<br>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:<br><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).<br><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.<br>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |   |  |                      |
| 4. This report contains indications relating to the following items:<br><div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion<br/> <input type="checkbox"/> Box No. II Priority<br/> <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability<br/> <input type="checkbox"/> Box No. IV Lack of unity of invention<br/> <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement<br/> <input type="checkbox"/> Box No. VI Certain documents cited<br/> <input type="checkbox"/> Box No. VII Certain defects in the international application<br/> <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application                 </div>  |   |  |                      |
| Date of submission of the demand<br><br><b>18.01.2005</b>   |   | Date of completion of this report<br><br><b>06.03.2006</b>                     |                      |
| Name and mailing address of the international preliminary examining authority:<br><br><div style="display: flex; align-items: center;"> <div>                         European Patent Office - Gitschiner Str. 103<br/>                         D-10958 Berlin<br/>                         Tel. +49 30 25901 - 0<br/>                         Fax: +49 30 25901 - 840                     </div> </div>  |   | Authorized Officer<br><br><b>Kirsten, K</b><br><br>Telephone No. +49 30 25901- |                      |



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/CA2004/000898

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-15 as originally filed

**Claims, Numbers**

1-28 as originally filed

**Drawings, Sheets**

1/3-3/3 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
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International application No.  
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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

|                               |             |      |
|-------------------------------|-------------|------|
| Novelty (N)                   | Yes: Claims |      |
|                               | No: Claims  | 1-28 |
| Inventive step (IS)           | Yes: Claims |      |
|                               | No: Claims  | 1-28 |
| Industrial applicability (IA) | Yes: Claims | 1-28 |
|                               | No: Claims  |      |

2. Citations and explanations (Rule 70.7):

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

1. Reference is made to the following document: D1 : WO 01/45034
2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
  - 2.1 Document D1 discloses (the references in parentheses applying to this document):  
A text entry system (10) with:  
  
a display (13) visually divided into two functional areas (see e.g. figure 9; page 11, paragraph 3 and page 12, line 7-15), a first of the functional areas corresponding to a first aspect of entering text, and a second of the functional areas corresponding to a second aspect of entering text;  
  
an indicator (12) system operable by one human digit, the indicator system having at least a first cardinal state, a second cardinal state and a third cardinal state, the third cardinal state having no textual meaning with it; (see e.g. figures 1,2,5, for indicator states; the system described in D1 has e.g. selection options, which is not directly "textual")  
  
a processor (11) responsive to each cardinal state, whereby the indicator system may be used to select options displayed in at least one of the functional areas;  
  
a program (see e.g. figure 3) controlling the processor so that text may be entered in response to a user selecting at least one of the options.
3. Independent claims 15,22 correspond to independent claim 1, and same reasoning regarding novelty can be applied. Thus, the subject-matter of claims 25,22 is not novel. (Article 33(2) PCT).
4. The dependent claims 2-14,16-21,23-28 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements

of the PCT in respect of novelty and inventive step because the subject-matter of these claims are disclosed in D1. (Article 33(2) PCT).

**Re Item VIII**

**Certain observations on the international application**

1. Although claims 15,22 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and/or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection. Hence, the above mentioned claims do not meet the requirements of Article 6 PCT.
2. The application does not meet the requirements of Article 6 PCT, because claims 1,15,22 and the dependent claims are not clear. The expressions "cardinal states" (claim 1,15,22) and "textual meaning" (claim 1) are unclear. The expression "cardinal state" is used in the claims (including the dependent claims) in connection with "functional areas", "categories", "options", "aspect", "mode", "meaning", "position" without providing any explanation what these terms mean. Even after reading the description, it remains confusing what could be meant in the claims. It has to be possible to understand the claims by reading the claims alone. What is and what is not a "textual meaning" is also not clear.

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